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In re Application of CHEN et al
U.S. Application No.: 10/590,448
PCT Application No.: PCT/US04/16715
Int. Filing Date: 27 May 2004
Priority Date Claimed: 27 May 2003
Attorney Docket No.: 006798 USA
P02/CPI/COPPER/P JS
For: METHOD AND APPARATUS FOR
GENERATING A PRECURSOR FOR A
SEMICONDUCTOR PROCESSING
SYSTEM

DECISION

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application" filed 24 August 2006.

BACKGROUND

On 27 May 2004, applicant filed international application PCT/US04/16715, which claimed priority of an earlier United States application filed 27 May 2003. The thirty-month period for paying the basic national fee in the United States expired on 27 November 2005.

International application PCT/US04/16715 became abandoned as to the United States for failure to timely pay the basic national fee.

On 24 August 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The Applicants submit that the entire delay in filing in the United States by the PCT national stage deadline and until the filing of this Petition was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 27 May 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 August 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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